IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22957 of 2004

Between:

V. Sumalatha W/o Lali Babu, R/o Vinnamala Village Naidupeta, Mandal Nellore District.

..... PETITIONER

AND

The Revenue Divisional Officer, Guntur, Nellore District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction declaring the action of the respondent in suspending the dealership of the petitioner in Rc. C. No. 2528 of 2004 dt 25-9-2004 and keeping the authorisation under suspension without conducting enquiry as illegal and arbitrary and consequently direct the respondent to supply the essential commodities to the petitioner.

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for the Respondent : GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

Petitioner was appointed as a fair price shop dealer of Vinnamala village, Naidupet mandal, Nellore district. The respondent suspended her authorization through a show cause notice-cum-suspension order dated 25.09.2004. The same is challenged in this writ petition, on several grounds.

Sri P. Gangarami Reddy, learned counsel for the petitioner, submits that the impugned order cannot be sustained on account of the fact that the allegations made against the petitioner are vague and that the respondent directed recovery of amount from the petitioner even before any final order is passed.

Learned Government Pleader for Civil Supplies, on the other hand, submits that the suspension was ordered as a measure pending enquiry and the explanation submitted by the petitioner would, certainly, be taken into account while passing final orders.

The authorization of the petitioner was suspended pending enquiry into certain charges levelled against her. Reference is made to various quantities of rice said to have been handled by the petitioner. The truth or otherwise of the allegations against the petitioner can be dealt with only at the time of passing the final orders, after taking into account the explanation, which is already said to have been submitted by the petitioner on 04.10.2004. No procedural irregularity, as such, against the order of suspension, is discernible as of now.

In addition to suspending the authorization of the petitioner, the respondent

directed the Mandal Revenue Officer to collect the cost of the misused rice from the petitioner. When it is yet to be established as to whether the petitioner had misused any rice, the question of recovery of cost of the same does not arise.

Hence, the writ petition is disposed of setting aside that part of the order which directed recovery of amount from the petitioner, and directing that the respondent shall pass final orders in the proceedings initiated against the petitioner within four weeks from the date of receipt of a copy of this order, duly taking into account the explanation submitted by the petitioner. In case, the orders are not passed within four weeks, as directed above, the suspension against the petitioner shall stand vacated and she would be entitled to continue as a fair price shop dealer. No order as to costs.

10.12.2004

Note:

Issue CC in three days.

(BO)

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To

1 The Revenue Divisional Officer, Guntur, Nellore District

2 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad, (OUT).

3 Two C.D. Copies.